

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUIS FRANCK, LI ZHEN FENG,
YERALDIN REYES, CHARISMA BARBER,
CASSONDRA FLOYD, and ELIZABETH
GUERRERO,

Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs, Case No. 21 Civ. 4955 (GHW) (JLC)

v.

NEW YORK HEALTH CARE INC., MURRY
ENGLARD, and GLEN PERSAUD,

Defendants.

**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION FOR FINAL APPROVAL OF THE
CLASS AND COLLECTIVE ACTION SETTLEMENT AND RELATED RELIEF**

PLEASE TAKE NOTICE THAT upon the parties' Class Action Settlement Agreement (the "Settlement Agreement," (ECF No. 233-1), the Declaration of J. Burkett McInturff in Support of Plaintiff's Unopposed Motion for Final Approval of the Class and Collective Action Settlement and Related Relief dated August 6, 2024 (the "McInturff Declaration"); the accompanying Memorandum of Law dated August 6, 2024; and all other papers and proceedings herein, Plaintiffs Louis Franck, Li Zhen Feng, Yeraldin Reyes, Charisma Barber, Cassondra Floyd, and Elizabeth Guerrero hereby move this Court under Federal Rule of Civil Procedure 23, 29 U.S.C. § 216(b), and Rule 7.1 of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York for an Order:

- (1) granting final certification to the Rule 23 Class under Federal Rule of Civil Procedure 23 and final certification of the FLSA Collective under 29 U.S.C. § 216(b), for settlement purposes;
- (2) granting final approval of all terms applicable to the Rule 23 Class set forth in the Settlement Agreement;
- (3) approving all terms applicable to the FLSA Collective set forth in the Settlement Agreement;
- (4) finding that the court-authorized notice was the best notice practicable under the circumstances;
- (5) approving the Service Awards to Plaintiffs;
- (6) awarding Class Counsel reimbursement of litigation expenses and attorneys' fees;
- (7) approving the parties' proposed final settlement procedure, including the proposed procedure for allowing FLSA Collective members to consent to join this action and be bound by the settlement;
- (8) incorporating all terms of the Settlement Agreement, including the release; and
- (9) entering the proposed Order Granting Plaintiffs' Unopposed Motion for Final Approval of the Class and Collective Action Settlement and Related Relief and dismissing this action with prejudice and entering final judgment.

In support of their Motion, Plaintiffs rely on the accompanying Memorandum of Law and the McInturff Declaration, and all exhibits annexed thereto.

Dated: August 6, 2024
New York, New York

Respectfully submitted,

/s/ J. Burkett McInturff

J. Burkett McInturff (JM-4564)

Ethan D. Roman (ER-5569)

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